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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GRACIELA BRETSCHNEIDER DONCOUSE,

*Plaintiff,*

vs.

QQ NAILS & SPA, LLC, A DOMESTIC LIMITED  
LIABILITY, AND BROADWAY 922 ENTERPRISES  
LLC, DOMESTIC LIMITED LIABILITY COMPANY,

*Defendants.*

Case No. 15-cv-8728

**QQ NAILS AND SPA, LLC'S  
ANSWER WITH  
AFFIRMATIVE DEFENSES**

In response to Plaintiff's November 5, 2015 Complaint herein, Defendant QQ Nails & Spa, LLC ("QQ Nails") answers as follows:

1. QQ Nails lacks information sufficient to form a belief as to the allegations in paragraph 1 of the Complaint, and on that basis denies them.
2. QQ Nails lacks information sufficient to form a belief as to the allegations in paragraph 2 of the Complaint, and on that basis denies them.
3. QQ Nails denies the allegations in paragraph 3 of the Complaint.
4. QQ Nails denies the allegations in paragraph 4 of the Complaint.
5. QQ Nails admits that it is authorized to conduct and is conducting business within the State of New York, but lacks information sufficient to form a belief as to the remaining allegations in paragraph 5 of the Complaint, and on that basis denies them.

6. QQ Nails admits that it is the lessee of premises at 922 Broadway, New York, New York, but lacks information sufficient to form a belief as to the remaining allegations in paragraph 6 of the Complaint, and on that basis denies them.

7. QQ Nails lacks information sufficient to form a belief as to the allegations in paragraphs 7 – 16 of the Complaint, and on that basis denies them.

8. QQ Nails denies the allegations in paragraphs 17 – 19 of the Complaint.

9. QQ Nails lacks information sufficient to form a belief as to the allegations in paragraph 20 of the Complaint, and on that basis denies them.

10. QQ Nails denies the allegations in paragraphs 21 – 25 of the Complaint.

11. QQ Nails lacks information sufficient to form a belief as to the allegations in paragraphs 26 – 27 of the Complaint, and on that basis denies them.

12. QQ Nails denies the allegations in paragraph 28 of the Complaint.

13. QQ Nails lacks information sufficient to form a belief as to the allegations in paragraphs 29 – 31 of the Complaint, and on that basis denies them.

14. QQ Nails denies the allegations in paragraphs 32 – 37 of the Complaint.

### **FIRST AFFIRMATIVE DEFENSE**

15. Plaintiff lacks standing to bring the within action.

### **SECOND AFFIRMATIVE DEFENSE**

16. The Complaint fails to state a cause of action upon which relief may be granted.

### **THIRD AFFIRMATIVE DEFENSE**

17. Remedies sought by Plaintiff are not readily achievable.

### **FOURTH AFFIRMATIVE DEFENSE**

18. Good and services have been made available by alternative methods.

## **FIFTH AFFIRMATIVE DEFENSE**

19. Remedies sought by Plaintiff are technically infeasible.

## **SIXTH AFFIRMATIVE DEFENSE**

20. Remedies sought by Plaintiff would impose an undue burden.

## **SEVENTH AFFIRMATIVE DEFENSE**

21. Other defendants are responsible for the remedies sought herein.

## **EIGHTH AFFIRMATIVE DEFENSE**

22. Other defendants are liable for the damages sought herein.

WHEREFORE, QQ Nails prays the Court order that Plaintiff's Complaint be dismissed in its entirety, that Plaintiff recover nothing, and that Plaintiff reimburse QQ Nails its costs and disbursements incurred in defending this action, including reasonable attorneys fees.

Dated: New York, New York  
January 11, 2016

YERMAN & JIA, LLC



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